

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY JUNE 26, 2013

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 654

**Introduced by Senators Leno and Padilla
(Coauthors: Senators Hancock and Yee)**

February 22, 2013

An act to amend Sections 336, 9002, ~~9004, and 9006~~ and 9004 of, and to add Sections 9023 and 11042.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 654, as amended, Leno. Ballot measure petitions: *recall petitions*: translations.

(1) *Existing law, the federal Voting Rights Act of 1965, requires the state and certain counties to provide voting materials in languages other than English, as specified.*

~~(1) Existing law requires the Attorney General, upon receipt of the text of a proposed initiative or referendum measure, to prepare a circulating title and summary of the chief purpose and points of the proposed measure. Existing law requires the Attorney General to provide a copy of the circulating title and summary of a proposed initiative measure to the proponents of the measure and the Secretary of State within 15 days, as specified. Existing law requires the Attorney General to provide a copy of the circulating title and summary of a proposed referendum measure to the proponents of the measure and the Secretary of State within 10 days after receipt of the proposed referendum.~~

Existing law specifies that the official summary date of a proposed measure is the date a circulating title and summary is delivered or mailed by the Attorney General to the proponents of the proposed measure.

This bill would require the Attorney General to provide a notice to the proponents stating that, if the proponents intend to circulate the petition for the proposed initiative ~~or referendum~~ measure, the proponents shall ~~submit a list of specified counties in which the petition will be circulated. This bill would require the proponents of a proposed initiative or referendum measure to submit a list of specified counties in which the petition will be circulated no later than 5 days after receipt of the circulating title and summary. Upon submission of the list, notify the Attorney General, in the manner prescribed by the Attorney General, of their intention to circulate. Upon receipt of the proponents' notice of intention to circulate, this bill would require the Attorney General to prepare a translation of the circulating title and summary of the proposed initiative or referendum measure in a language other than English under certain circumstances each language in which the state or a county is required to provide voting materials pursuant to the federal Voting Rights Act of 1965. This bill would require the Attorney General to provide a copy of each translation to the proponents and the Secretary of State, as specified. If This bill would provide that if the proponents of a proposed initiative or referendum measure do not submit a list of specified counties in which the petition will be circulated, this bill would require the Attorney General to notify the Secretary of State of that fact. a notice of intention to circulate, the proponents' request for a circulating title and summary shall be deemed withdrawn and the petition shall not be circulated for signature.~~ This bill would specify that the official summary date of a proposed initiative ~~or referendum~~ measure is the date a copy of each translation of the circulating title and summary is delivered or mailed to the ~~proponents, or the date the Secretary of State receives a notice that the proponents did not submit a list of specified counties, as applicable.~~ *proponents.*

(2) Existing law permits any person who is a voter or who is qualified to register to vote in the state to circulate an initiative ~~or referendum~~ petition for signature and imposes certain requirements on these circulators.

~~If an initiative or referendum petition is circulated in a specified county, this~~ This bill would require a copy of the applicable translated circulating title and summary prepared by the Attorney General to be attached to the petition and *made* available to each person whom the

circulator solicits in that language to sign the petition. ~~This bill would also require a circulator to provide a copy of the applicable translated circulating title and summary petition and to any other person upon request.~~

(3) Existing provisions of the California Constitution and statute authorize the recall of state officers. Existing law requires the proponents of the recall to file 2 blank copies of the petition to recall the officer with the Secretary of State, who is required to ascertain if the proposed form and wording of the petition meet specified requirements.

~~This bill would require the proponents of a recall of a state officer, at the time of filing the 2 blank copies of the petition with the Secretary of State, to submit a list of specified counties in which the recall petition will be circulated. If the proponents submit this list of counties, this bill would require the Secretary of State, within 10 days after ascertaining that the proposed form and wording of the recall petition meet specified requirements, to prepare a translation of the petition in each applicable minority language of the counties identified by the proponents, and provide a copy of each translation to the proponents.~~

This bill would require the Secretary of State to prepare a translation of the petition for the recall of a state officer in each language in which the state or a county, as specified, is required to provide voting materials pursuant to the federal Voting Rights Act of 1965. This bill would require the Secretary of State, within 10 days after ascertaining that the proposed form and wording of the recall petition meet specified requirements, to provide a copy of each translation to the proponents.

(4) Existing law requires a recall petition to use a specified format and contain certain information. Under existing law, any person who is a registered voter of the electoral jurisdiction of the officer sought to be recalled may circulate the recall petition for signatures.

If a recall petition is circulated in a specified county, this bill would require a copy of the applicable translation of the petition prepared by the Secretary of State to be attached to the petition and *made* available to each person whom the circulator solicits in that language to sign the petition. ~~This bill would also require the circulator to provide a copy of the translation of the petition petition and to any person upon request.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) California is a diverse state with a government selected by the votes of its citizens. The state's robust initiative process is designed to put lawmaking in the hands of the people, and continues to play an important role in setting public policy with regard to education, civil rights, fiscal policy, and other issues that affect the lives of all Californians, including the state's 6.9 million limited-English-proficient residents. The referendum and recall processes also play an important role in developing public policy.

(b) The signature-gathering phase to qualify these proposed measures for the ballot is an integral part of the state's electoral system.

(c) The federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.) prohibits discriminatory voting practices and protects the rights of voters with limited English proficiency by requiring covered jurisdictions to provide voting materials in the ~~language~~ *languages* of specified minority groups. However, ballot measure petitions, which are circulated for signature in hopes of qualifying a measure for the ballot, are ~~not required to be provided in other languages under existing law provided in languages other than English~~. As a result, millions of voters with limited English proficiency are excluded from playing a role in determining which proposed measures qualify for the ballot.

(d) The provision of translated versions of circulating titles and summaries of initiative ~~and referendum~~ measures, and of translated versions of recall petitions, will further the purpose of the federal Voting Rights Act of 1965 and ensure that voters with limited English proficiency have the ability to exercise their fundamental democratic rights.

~~SEC. 2. Section 336 of the Elections Code is amended to read:~~
~~336. "Official summary date" means either of the following:~~

~~(a) The date a copy of each translation of a circulating title and summary of a proposed initiative or referendum measure is delivered or mailed by the Attorney General to the proponents of the proposed measure.~~

~~(b) The date the Secretary of State receives a notice from the Attorney General that the proponents of a proposed initiative or~~

1 referendum measure did not submit a list of counties in accordance
2 with subdivision (c) of Section 9004 or subdivision (c) of Section
3 9006.

4 SEC. 2. Section 336 of the Elections Code is amended to read:
5 336. The “official summary date” is the date *a copy of the*
6 *translations of* a circulating title and summary of a proposed
7 initiative measure is delivered or mailed by the Attorney General
8 to the proponents of the proposed measure.

9 SEC. 3. Section 9002 of the Elections Code is amended to read:
10 9002. (a) The Attorney General shall provide a copy of the
11 title and summary to the Secretary of State and the proponents
12 within 15 days after receipt of the final version of a proposed
13 initiative measure, or, if a fiscal estimate or opinion is to be
14 included, within 15 days after receipt of the fiscal estimate or
15 opinion prepared by the Department of Finance and the Joint
16 Legislative Budget Committee pursuant to Section 9005. If during
17 the 15-day period the proponents of the proposed initiative measure
18 submit amendments, other than technical, nonsubstantive
19 amendments, to the final version of the measure, the Attorney
20 General shall provide a copy of the title and summary to the
21 Secretary of State within 15 days after receipt of the amendments.

22 (b) The amendment shall be submitted with a signed request by
23 all the proponents to prepare a circulating title and summary using
24 the amended language.

25 (c) The amendment shall be submitted to the Attorney General’s
26 Initiative Coordinator located in the Sacramento Attorney General’s
27 Office via United States Postal Service, alternative mail service,
28 or personal delivery. Only printed documents will be accepted;
29 facsimile or email delivery will not be accepted.

30 SEC. 4. Section 9004 of the Elections Code is amended to read:
31 9004. (a) Upon receipt of the text of a proposed initiative
32 measure, the Attorney General shall prepare a circulating title and
33 summary of the chief purposes and points of the proposed measure.
34 The circulating title and summary shall not exceed a total of 100
35 words. The Attorney General shall also provide a unique numeric
36 identifier for each proposed initiative measure. The circulating
37 title and summary shall be prepared in the manner provided for
38 the preparation of ballot titles and summaries in Article 5
39 (commencing with Section 9050), the provisions of which, in
40 regard to the preparation, filing, and settlement of ballot titles and

1 summaries, are hereby made applicable to the circulating title and
2 summary.

3 (b) The Attorney General shall provide a copy of the circulating
4 title and summary and its unique numeric identifier to the Secretary
5 of State and the proponents within 15 days, as specified in Section
6 9002. ~~The~~ *For each request for a circulating title and summary*
7 *received by the Attorney General on or after January 1, 2014, the*
8 Attorney General shall include with the copy of the circulating
9 title and summary a notice stating that, if the proponents intend to
10 circulate the proposed initiative measure, the proponents shall, no
11 later than five *business* days after receipt of the copy of the
12 circulating title and summary, ~~submit to the Attorney General a~~
13 ~~list of the counties in which the petition will be circulated that are~~
14 ~~covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section~~
15 ~~4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights~~
16 ~~Act of 1965. notify the Attorney General, in the manner prescribed~~
17 ~~by the Attorney General, of their intention to circulate the petition.~~

18 (c) ~~(1)~~ If the proponents intend to circulate the initiative
19 measure petition, the proponents shall, no later than five *business*
20 days after receipt of the copy of the circulating title and summary,
21 ~~submit to the Attorney General a list of the counties in which the~~
22 ~~petition will be circulated that are covered by Section 203 (42~~
23 ~~U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.~~
24 ~~1973b(f)(4)) of the federal Voting Rights Act of 1965. Upon notify~~
25 ~~the Attorney General, in the manner prescribed by the Attorney~~
26 ~~General, of their intention to circulate the petition.~~

27 (d) (1) Upon receipt of the ~~list of counties~~, proponents' notice
28 of intention to circulate, the Attorney General shall prepare a
29 translation of the circulating title and summary of the proposed
30 initiative measure in ~~each applicable minority language for the~~
31 ~~counties identified by the proponents that are covered by each~~
32 ~~language in which the state or a county is required to provide~~
33 ~~voting materials pursuant to Section 203 (42 U.S.C. Sec.~~
34 ~~1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the~~
35 ~~federal Voting Rights Act of 1965. The Attorney General shall~~
36 ~~provide a copy of each translation to the proponents and the~~
37 ~~Secretary of State no later than 10 days after receipt of the list of~~
38 ~~counties; notice of intention to circulate. The date the copy of each~~
39 ~~translation is delivered or mailed to the proponents is the "official~~
40 ~~summary date."~~

~~(2) The Attorney General shall provide a copy of the list of counties identified by the proponents and each translation of the circulating title and summary to the Secretary of State within 10 days after receipt of the list of counties identified by the proponents.~~

~~(d) If the proponents do not submit a list of counties in accordance with subdivision (c), the Attorney General shall notify the Secretary of State of that fact. The date upon which the Secretary of State receives a notice from the Attorney General that the proponents did not submit a list of counties in accordance with subdivision (c) is the “official summary date.”~~

~~(e)~~
~~(2) Upon receipt of each translation of the circulating title and summary from the Attorney General, or upon receipt of the notice that the proponents did not submit a list of counties in accordance with subdivision (e), the Secretary of State shall, within one business day, notify the proponents and county elections official of each county of the official summary date and provide a copy of the circulating title and summary and each applicable translation to each county elections official. The Secretary of State shall also provide the relevant translation to the county elections official in each county identified by the proponents, if applicable. The notification provided pursuant to this subdivision paragraph shall also include a complete schedule showing the maximum filing deadline, and the certification deadline by the counties to the Secretary of State.~~

~~(e) If the proponents do not notify the Attorney General of their intention to circulate the petition in accordance with subdivision (c), the Attorney General shall notify the Secretary of State of that fact, the proponents’ request for a circulating title and summary shall be deemed withdrawn, and the petition shall not be circulated for signature.~~

~~SEC. 5. Section 9006 of the Elections Code is amended to read:~~

~~9006. (a) Upon receipt of the text of a proposed referendum, the Attorney General shall prepare a circulating title and summary of the chief purpose and points of the proposed statute at issue. The circulating title and summary shall not exceed a total of 100 words. No fiscal analysis shall be included.~~

~~(b) The Attorney General shall provide a copy of the circulating title and summary of the proposed referendum to the Secretary of~~

~~State and the proponents within 10 days after receipt of the proposed referendum. The Attorney General shall include with the copy of the circulating title and summary a notice stating that, if the proponents intend to circulate the proposed referendum measure, the proponents shall, no later than five days after receipt of the copy of the circulating title and summary, submit to the Attorney General a list of the counties in which the petition will be circulated that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.~~

~~(e) (1) If the proponents intend to circulate the referendum measure petition, the proponents shall, no later than five days after receipt of the copy of the circulating title and summary, submit to the Attorney General a list of the counties in which the petition will be circulated that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965. Upon receipt of the list of counties, the Attorney General shall prepare a translation of the circulating title and summary of the proposed referendum measure in each applicable minority language for the counties identified by the proponents that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965. The Attorney General shall provide a copy of each translation to the proponents no later than 10 days after receipt of the list of counties. The date the copy of each translation is delivered or mailed to the proponents is the “official summary date.”~~

~~(2) The Attorney General shall provide a copy of the list of counties identified by the proponents and each translation of the circulating title and summary to the Secretary of State within 10 days after receipt of the list of counties identified by the proponents.~~

~~(d) If the proponents do not submit a list of counties in accordance with subdivision (e), the Attorney General shall notify the Secretary of State of that fact. The date upon which the Secretary of State receives a notice from the Attorney General that the proponents did not submit a list of counties in accordance with subdivision (e) is the “official summary date.”~~

~~(e) Upon receipt of each translation of the circulating title and summary from the Attorney General, or upon receipt of the notice~~

1 that the proponents did not submit a list of counties in accordance
2 with subdivision (c), the Secretary of State shall, within one
3 business day, notify the proponents and county elections official
4 of each county of the official summary date and provide a copy
5 of the circulating title and summary to each county elections
6 official. The Secretary of State shall also provide the relevant
7 translation to the county elections official in each county identified
8 by the proponents, if applicable. The notification provided pursuant
9 to this subdivision shall also include a complete schedule showing
10 the maximum filing deadline, and the certification deadline by the
11 counties to the Secretary of State.

12 ~~SEC. 6.~~

13 *SEC. 5.* Section 9023 is added to the Elections Code, to read:

14 9023. In the event that the circulator of an initiative ~~or~~
15 ~~referendum~~ petition circulates the petition in a county covered by
16 Section 203 (42 U.S.C. Sec. 1973aa-1a) ~~or~~ Section 4(f)(4) (42
17 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965,
18 a copy of the applicable translated circulating title and summary
19 prepared by the Attorney General shall be attached to the petition
20 and *made* available to each person whom the circulator solicits in
21 that language to sign the petition. The circulator shall also provide
22 a copy of the applicable translated circulating title and summary
23 *petition and* to any *other* person upon request.

24 ~~SEC. 7.~~

25 *SEC. 6.* Section 11042.5 is added to the Elections Code, to
26 read:

27 11042.5. (a) This section applies only to the recall of state
28 officers.

29 (b) ~~At the time of the filing of two blank copies of the petition~~
30 ~~pursuant to Section 11042, the proponents shall also submit to the~~
31 ~~Secretary of State a list of the counties in which the petition will~~
32 ~~be circulated that are covered by Section 203 (42 U.S.C. Sec.~~
33 ~~1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the~~
34 ~~federal Voting Rights Act of 1965.~~

35 (c) ~~If the proponents submit a list of counties pursuant to~~
36 ~~subdivision (b), the Secretary of State, within 10 days after~~
37 ~~ascertaining that the proposed form and wording of the petition~~
38 ~~meet the requirements of this chapter, shall prepare a translation~~
39 ~~of the petition in each applicable minority language for the counties~~
40 ~~identified by the proponents that are covered by Section 203 (42~~

1 ~~U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.~~
2 ~~1973b(f)(4)) of the federal Voting Rights Act of 1965, and provide~~
3 ~~a copy of each translation to the proponents.~~

4 *(b) (1) Except as provided in paragraph (2), the Secretary of*
5 *State shall prepare a translation of the petition in each language*
6 *in which the state or a county is required to provide voting*
7 *materials pursuant to Section 203 (42 U.S.C. Sec. 1973aa-1a) of*
8 *the federal Voting Rights Act of 1965.*

9 *(2) If the officer sought to be recalled is a State Senator, Member*
10 *of the Assembly, Member of the Board of Equalization, or justice*
11 *of a court of appeal, the Secretary of State shall prepare a*
12 *translation of the petition in each language in which the state or*
13 *a county included within the officer's electoral jurisdiction is*
14 *required to provide voting materials pursuant to Section 203 (42*
15 *U.S.C. Sec. 1973aa-1a) of the federal Voting Rights Act of 1965.*

16 *(c) The Secretary of State shall provide a copy of each*
17 *translation to the proponents within 10 days after ascertaining*
18 *that the proposed form and wording of the petition meet the*
19 *requirements of this chapter.*

20 *(d) If a recall petition is circulated in a county covered by*
21 *Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42*
22 ~~*U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965,*~~
23 *a copy of the applicable translation of the petition prepared by the*
24 *Secretary of State shall be attached to the petition and made*
25 *available to each person whom the circulator solicits in that*
26 *language to sign the petition. The circulator shall also provide a*
27 ~~*copy of the applicable translation of the petition*~~ *petition and to*
28 *any other person upon request.*